

## P. INT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
 US Department of Commerce  
 United States Patent and Trademark  
 Office, PCT  
 2011 South Clark Place Room 524  
 Arlington, VA 22202  
 ETATS-UNIS D'AMERIQUE  
 ETATS-UNIS D'AMERIQUE  
 in its capacity as elected Office

Date of mailing (day/month/year) 26 October 2000 (26.10.00)	
International application No. PCT/JP00/01197	Applicant's or agent's file reference CN00005
International filing date (day/month/year) 01 March 2000 (01.03.00)	Priority date (day/month/year) 05 March 1999 (05.03.99)
Applicant SAKANOE, Shuichi et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
 25 September 2000 (25.09.00)

☐ in a notice effecting later election filed with the International Bureau on:  
 \_\_\_\_\_

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Antonia Muller Telephone No.: (41-22) 338.83.38
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## P A T E N T C O O P E R A T I O N T R E A T Y

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

To:

KATAOKA, Makoto  
c/o Idemitsu Kosan Co., Ltd.  
Intellectual Property Center  
24-4, Anesakikaigan  
Ichihara-shi, Chiba 299-0107  
JAPON

Date of mailing (day/month/year) 01 août 2001 (01.08.01)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference CN00005	
International application No. PCT/JP00/01197	International filing date (day/month/year) 01 mars 2000 (01.03.00)

1. The following indications appeared on record concerning:

☐ the applicant    ☐ the inventor    ☒ the agent    ☐ the common representative

Name and Address TOHEI, Masamichi Idemitsu Kosan Co., Ltd 24-4, Anesakikaigan Ichihara-shi Chiba 299-0107 Japan	State of Nationality	State of Residence
	Telephone No. 0436 - 61 - 9113	
	Facsimile No. 0436 - 61 - 9099	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person    ☐ the name    ☐ the address    ☐ the nationality    ☐ the residence

Name and Address KATAOKA, Makoto c/o Idemitsu Kosan Co., Ltd. Intellectual Property Center 24-4, Anesakikaigan Ichihara-shi, Chiba 299-0107 Japan	State of Nationality	State of Residence
	Telephone No. 0436-61-9113	
	Facsimile No. 0436-61-9099	
	Teleprinter No.	

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office    ☐ the designated Offices concerned  
☐ the International Searching Authority    ☒ the elected Offices concerned  
☐ the International Preliminary Examining Authority    ☐ other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Shinji IGARASHI
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP00/01197

## A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl.<sup>7</sup> C10M137/02, C10M129/76, C10M133/04, C10M145/36, C10M129/26,  
C10M133/16// C10N10:02, C10N10:04, C10N30:06, C10N40:30

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int. Cl.<sup>7</sup> C10M137/02, C10M129/76, C10M133/04, C10M145/36, C10M129/26,  
C10M133/16  
C10N10:02, C10N10:04, C10N30:06, C10N40:30, C09K5/04

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X Y	EP, 785247, A1 (Idemitsu Kosan Co., Ltd.), 23 July, 1997 (23.07.97), Claims & WO, 96/11246, A1 & US, 5997761, A & US, 5858266, A	7-13 1-6
X Y	EP, 557104, A1 (NIPPON OIL COMPANY, LTD.), 25 August, 1993 (25.08.93), Claims & US, 5464550, A & JP, 5-230487, A	7-13 1-6
X Y	JP, 9-25492, A (Kao Corporation), 28 January, 1997 (28.01.97), Claims (Family: none)	7-13 1-6
X	WO, 96/07721, A1 (WITCO CORPORATION), 14 March, 1996 (14.03.96), Claims & EP, 781316, A1 & US, 5792383, A & JP, 10-505623, A	7-13
X	WO, 92/01030, A1 (Henkel Corporation), 23 January, 1992 (23.01.92), Claims; page 10 & EP, 557279, A1 & EP, 708173, A1	7-13

☒ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:	"I" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier document but published on or after the international filing date	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Z" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search  
09 June, 2000 (09.06.00)

Date of mailing of the international search report  
27.06.00

Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP00/01197

## C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
	& EP, 711820, A2 & US, 5021179, A & JP, 6-500577, A	
X	EP, 507158, A1 (Idemitsu Kosan Co., Ltd.), 07 October, 1992 (07.10.92), Claims & US, 5310492, A & JP, 4-300996, A	7-13
Y	EP, 461262, A1 (Idemitsu Kosan Co., Ltd.), 18 December, 1991 (18.12.91), Claims & WO, 91/9097, A1 & US, 5403503, A	1-6
A	JP, 60-173097, A (Idemitsu Kosan Co., Ltd.), 06 September, 1985 (06.09.85), Claims (Family: none)	1-6

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP00/01197

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

The refrigerating machine oil composition disclosed in claims 1 to 6 and the refrigerating machine oil composition disclosed in claims 7 to 12 contain no common essential ingredients. Consequently, these compositions are not considered to be a group of inventions so linked as to form a single general inventive concept. (Although ingredient (a) in claims 7 to 12 corresponds to ingredient (b) in claims 1 to 6, ingredient (a) in claims 7 to 12 is not an essential ingredient but mere one of ingredients among which one is to be selected.)

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

## PCT

From the INTERNATIONAL BUREAU

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

TOHEI, Masamichi  
Idemitsu Kosan Co., Ltd  
24-4, Anesakikaigan  
Ichihara-shi  
Chiba 299-0107  
JAPON

Date of mailing (day/month/year) 04 May 2000 (04.05.00)	<b>IMPORTANT NOTIFICATION</b> International filing date (day/month/year) 01 March 2000 (01.03.00) Priority date (day/month/year) 05 March 1999 (05.03.99)
Applicant's or agent's file reference CN00005	
International application No. PCT/JP00/01197	
International publication date (day/month/year) Not yet published	
Applicant IDEMITSU KOSAN CO., LTD. et al	

- The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
- An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
05 Marc 1999 (05.03.99)	11/58387	JP	25 Apr 2000 (25.04.00)
01 Apr 1999 (01.04.99)	11/94530	JP	25 Apr 2000 (25.04.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Carlos Naranjo Telephone No. (41-22) 338.83.38
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PCT

From the INTERNATIONAL BUREAU

**NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES**

(PCT Rule 47.1(c), first sentence)

To:  
TOHEI, Masamichi  
Idemitsu Kosan Co., Ltd  
24-4, Anesakikaigan  
Ichi-hara-shi  
Chiba 299-0107  
JAPON

Date of mailing (day/month/year) 14 September 2000 (14.09.00)		
Applicant's or agent's file reference CN00005		
<b>IMPORTANT NOTICE</b>		
International application No. PCT/JP00/01197	International filing date (day/month/year) 01 March 2000 (01.03.00)	Priority date (day/month/year) 05 March 1999 (05.03.99)
Applicant IDEMITSU KOSAN CO., LTD. et al		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:  
KR, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:  
CA, EP

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 14 September 2000 (14.09.00) under No. WO 00/53704

**REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)**

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

**REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))**

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  J. Zahra  Telephone No. (41-22) 338.83.38
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47  
Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CN00005	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP00/01197	International filing date (day/month/year) 01 March 2000 (01.03.00)	Priority date (day/month/year) 05 March 1999 (05.03.99)
International Patent Classification (IPC) or national classification and IPC C10M 137/02, 129/76, 133/04, 145/36, 129/26, 133/16 // C10N 10:02, 10:04, 30:06, 40:30		
Applicant IDEMITSU KOSAN CO., LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 25 September 2000 (25.09.00)	Date of completion of this report 22 February 2001 (22.02.2001)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/01197

## I. Basis of the report

1. With regard to the **elements** of the international application:\*☒ the international application as originally filed☐ the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☐ the claims:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement under Article 19

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☐ the drawings:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☐ the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages \_\_\_\_\_☐ the claims, Nos. \_\_\_\_\_☐ the drawings, sheets/fig \_\_\_\_\_5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/01197

## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See supplemental sheet for continuation of Box IV. 3.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. \_\_\_\_\_

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PC/JP 00/01197

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV. 3.

The refrigerator oil compositions described in Claims 1-6 and the refrigerator oil compositions described in Claims 7-13 do not contain an essential ingredient common to both compositions, and thus do not constitute a group of inventions so linked as to form a single inventive concept. (Although ingredient (a) of Claims 7-13 is equivalent to ingredient (b) in Claims 1-6, ingredient (a) is not an essential ingredient in Claims 7-13, but is described merely as one among various alternative ingredients.)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/JP 00/01197

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-6	YES
	Claims	7-13	NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

## 2. Citations and explanations

- Document 1: EP, 785247, A1 (Idemitsu Kosan Co., Ltd.), 23 July, 1997
- Document 2: EP, 557104, A1 (Nippon Oil Co., Ltd.), 25 August 1993
- Document 3: JP, 9-25492, A (Kao Corp.), 28 January 1997
- Document 4: WO, 96/07721, A1 (Witco Corporation), 14 March 1996
- Document 5: WO, 92/01030, A1 (Henkel Corporation), 23 January 1992
- Document 6: EP, 507158, A1 (Idemitsu Kosan Co., Ltd.), 7 October 1992
- Document 7: EP, 461262, A1 (Idemitsu Kosan Co., Ltd.), 18 December 1991

(Claims 1-6)

Claims 1-6 do not involve an inventive step in the light of Documents 1-3 and 7 cited in the international search report.

Documents 1-3, in the field of refrigerator oil compositions, indicate the preferred addition of ingredient (b) described in Claim 1 and Document 7 indicates the preferred addition of ingredient (a) described in Claim 1. Therefore, a person skilled in the

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/JP 00/01197

art could easily arrive at a refrigerator oil composition containing these two ingredients.

Claims 7-13

Claims 7-13 are not novel and do not involve an inventive step in the light of Documents 1-6.

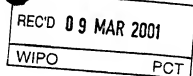
Documents 1-6 disclose refrigerator oil compositions containing compounds specified in Claim 7.

特 許 協 力 条 約

PCT

国際予備審査報告

(法第12条、法施行規則第56条)  
(PCT36条及びPCT規則70)



出願人又は代理人 の書類記号 CN00005	今後の手続きについては、国際予備審査報告の送付通知(様式PCT/ IPEA/416)を参照すること。		
国際出願番号 PCT/JPO0/01197	国際出願日 (日.月.年) 01.03.00	優先日 (日.月.年) 05.03.99	
国際特許分類 (IPC) Int. Cl.	C10M137/02, C10M129/76, C10M133/04, C10M145/36, C10M129/26, C10M133/16// C10N10:02, C10N10:04, C10N30:06, C10N40:30		
出願人 (氏名又は名称)  出光興産株式会社			

1. 国際予備審査機関が作成したこの国際予備審査報告を法施行規則第57条 (PCT36条) の規定に従い送付する。

2. この国際予備審査報告は、この表紙を含めて全部で 4 ページからなる。

☐ この国際予備審査報告には、附属書類、つまり補正されて、この報告の基礎とされた及び/又はこの国際予備審査機関に対してした訂正を含む明細書、請求の範囲及び/又は図面も添付されている。  
(PCT規則70.16及びPCT実施細則第607号参照)  
この附属書類は、全部で ページである。

3. この国際予備審査報告は、次の内容を含む。

I ☒ 国際予備審査報告の基礎

II ☐ 優先権

III ☐ 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成

IV ☒ 発明の単一性の欠如

V ☒ PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明

VI ☐ ある種の引用文献

VII ☐ 国際出願の不備

VIII ☐ 国際出願に対する意見

国際予備審査の請求書を受理した日 25.09.00	国際予備審査報告を作成した日 22.02.01
名称及びあて先 日本国特許庁 (IPEA/JP) 郵便番号 100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 井上 千弥子 電話番号 03-3581-1101 内線 3483

様式PCT/IPEA/409 (表紙) (1998年7月)

## I. 国際予備審査報告の基礎

1. この国際予備審査報告は下記の出願書類に基づいて作成された。(法第6条(PCT14条)の規定に基づく命令に  
応答するために提出された差し替え用紙は、この報告書において「出願時」とし、本報告書には添付しない。  
PCT規則70.16, 70.17)

☒ 出願時の国際出願書類

- ☐ 明細書 第 \_\_\_\_\_ ページ、 出願時に提出されたもの  
明細書 第 \_\_\_\_\_ ページ、 国際予備審査の請求書と共に提出されたもの  
明細書 第 \_\_\_\_\_ ページ、 \_\_\_\_\_ 付の書簡と共に提出されたもの
- ☐ 請求の範囲 第 \_\_\_\_\_ 項、 出願時に提出されたもの  
請求の範囲 第 \_\_\_\_\_ 項、 PCT19条の規定に基づき補正されたもの  
請求の範囲 第 \_\_\_\_\_ 項、 国際予備審査の請求書と共に提出されたもの  
請求の範囲 第 \_\_\_\_\_ 項、 \_\_\_\_\_ 付の書簡と共に提出されたもの
- ☐ 図面 第 \_\_\_\_\_ ページ/図、 出願時に提出されたもの  
図面 第 \_\_\_\_\_ ページ/図、 国際予備審査の請求書と共に提出されたもの  
図面 第 \_\_\_\_\_ ページ/図、 \_\_\_\_\_ 付の書簡と共に提出されたもの
- ☐ 明細書の配列表の部分 第 \_\_\_\_\_ ページ、 出願時に提出されたもの  
明細書の配列表の部分 第 \_\_\_\_\_ ページ、 国際予備審査の請求書と共に提出されたもの  
明細書の配列表の部分 第 \_\_\_\_\_ ページ、 \_\_\_\_\_ 付の書簡と共に提出されたもの

2. 上記の出願書類の言語は、下記に示す場合を除くほか、この国際出願の言語である。

上記の書類は、下記の言語である \_\_\_\_\_ 語である。

- ☐ 国際調査のために提出されたPCT規則23.1(b)にいう翻訳文の言語  
☐ PCT規則48.3(b)にいう国際公開の言語  
☐ 国際予備審査のために提出されたPCT規則55.2または55.3にいう翻訳文の言語

3. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際予備審査報告を行った。

- ☐ この国際出願に含まれる書面による配列表  
☐ この国際出願と共に提出されたフレキシブルディスクによる配列表  
☐ 出願後に、この国際予備審査(または調査)機関に提出された書面による配列表  
☐ 出願後に、この国際予備審査(または調査)機関に提出されたフレキシブルディスクによる配列表  
☐ 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった  
☐ 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記載した配列が同一である旨の陳述書の提出があった。

4. 補正により、下記の書類が削除された。

- ☐ 明細書 第 \_\_\_\_\_ ページ  
☐ 請求の範囲 第 \_\_\_\_\_ 項  
☐ 図面 図面の第 \_\_\_\_\_ ページ/図

5. ☐ この国際予備審査報告は、補充欄に示したように、補正が出願時における開示の範囲を越えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則70.2(c) この補正を含む差し替え用紙は上記1.における判断の際に考慮しなければならず、本報告に添付する。)

## IV. 発明の単一性の欠如

1. 請求の範囲の減縮又は追加手数料の納付の求めに対して、出願人は、

- ☐ 請求の範囲を減縮した。  
☐ 追加手数料を納付した。  
☐ 追加手数料の納付と共に異議を申立てた。  
☐ 請求の範囲の減縮も、追加手数料の納付もしなかった。

2 ☒ 国際予備審査機関は、次の理由により発明の単一性の要件を満たしていないと判断したが、PCT規則68.1の規定に従い、請求の範囲の減縮及び追加手数料の納付を出願人に求めないこととした。

3. 国際予備審査機関は、PCT規則13.1、13.2及び13.3に規定する発明の単一性を次のように判断する。

- ☐ 満足する。  
☒ 以下の理由により満足しない。

請求の範囲1～6に記載された冷凍機油組成物と、請求の範囲7～13に記載された冷凍機油組成物は、互いに共通する成分を必須成分として含有するものではなく、単一の一般的発明概念を形成するように連関している一群の発明であるとは認められない。(請求の範囲7～13の成分(a)は、請求の範囲1～6の成分(b)に相当するものの、請求の範囲7～13において、成分(a)は必須の成分ではなく、択一的に記載された成分の一つにすぎない)

4. したがって、この国際予備審査報告書を作成するに際して、国際出願の次の部分を、国際予備審査の対象にした。

☒ すべての部分

☐ 請求の範囲 \_\_\_\_\_ に関する部分



V. 新規性、進歩性又は産業上の利用可能性についての法第12条 (PCT35条(2)) に定める見解、それを裏付ける文献及び説明

## 1. 見解

新規性 (N)

請求の範囲 1-6 有  
請求の範囲 7-13 無

進歩性 (IS)

請求の範囲 1-13 有  
請求の範囲 1-13 無

産業上の利用可能性 (IA)

請求の範囲 1-13 有  
請求の範囲 1-13 無

## 2. 文献及び説明 (PCT規則70.7)

- 文献1: EP, 785247, A1 (出光興産株式会社), 23. 7月. 1997  
文献2: EP, 557104, A1 (日本石油株式会社), 25. 8月. 1993  
文献3: JP, 9-25492, A (花王株式会社), 28. 1月. 1997  
文献4: WO, 96/07721, A1 (ウイトコ・コーポレーション), 14. 3月. 1996  
文献5: WO, 92/01030, A1 (ヘンケル・コーポレイション), 23. 1月. 1992  
文献6: EP, 507158, A1 (出光興産株式会社), 7. 10月. 1992  
文献7: EP, 461262, A1 (出光興産株式会社), 18. 12月. 1991

(請求の範囲1-6)

請求の範囲1-6は、国際調査報告で引用した文献1-3, 7により進歩性を有しない。

文献1-3には、冷凍機油組成物の分野において、請求の範囲1記載の成分(b)を添加すると好ましい旨記載され、文献7には、請求の範囲1記載の成分(a)を添加すると好ましい旨がそれぞれ記載されているから、これら二つの成分を含有する冷凍機油組成物は、当業者が容易に想到することができたものである。

(請求の範囲7-13)

請求の範囲7-13は、国際調査報告で引用した文献1-6により新規性、進歩性を有しない。

文献1-6には、請求の範囲7記載の特定の化合物を含有する冷凍機油組成物が記載されている。